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Docket No. RDID 0041US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zimmer et al.

Application No.: 09/555,618

Group No.: 1742

Filed: 5 Jan 2001

Examiner: Sikyin

For: MODIFICATION OF SURFACES TO INCREASE THE SURFACE TENSION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REPLY

Sir:

INTRODUCTORY COMMENTS

In response to the Office Action mailed January 25, 2005, entry of the amendments and consideration of the accompanying remarks is respectfully requested.

REMARKS

Claims 5-14, 16-26, and 29-32 are pending in the application. Claims 29, 31 and 32 are independent claims.

Claims 29-32 are added. Claim 29 recites a method of forming a test capillary. Claim 30 depends from claim 29. Support for claims 29-30 is found in Example 1, pages 14-17. Claims 31-32 each recite a method of forming an analytical test element. The claims find full support in the specification and particularly at page 2 lines 3-4, page 3 lines 7-8, page 4 lines 5-6 and 11-14, page 5 lines 10-15 and 21-23, page 11 lines 1-6 and 8-23, page 12 lines 13-16 and 17-21, and Example 1, pages 14-17. No new matter is added by virtue of the new claims.

Claims 3-14 and 16-26 are rejected under 35 U.S.C. 103 as being unpatentable over USP 4759805 to Saruwatari et al. (col. 1 lines 43-51), USP 3730783 to Streel (col. 2 lines 31-50), USP 3255035 to Clough (col. 3, example 1), or AN 115:237352 in view of McGannon (The Making, Shaping and Treating of Steel, United States Steel).

Independent claims 3 and 4 are cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 29-32 are added. The rejection is respectfully traversed in light of the new claims.

Regarding claim 29, it is submitted that none of the cited references either alone or in combination with one another disclose or suggest a test capillary, let alone a method of making a test capillary. Further, regarding claims 31-32, it is submitted that none of the cited references either alone or in combination with one another disclose or suggest an analytical test element, let alone a method of making said test element.

Accordingly, it is respectfully contended that the claimed invention meets the test of patentability under 35 U.S.C. 103(a). Entry of the amendments leading to reconsideration of the rejection of the claims and withdrawal of the rejection is respectfully requested.

The claims are believed to be in condition for allowance, and allowance of the application is respectfully requested. It is requested that if necessary, this paper be considered a Petition for Extension of time sufficient to effect a timely response, and that

all fees due be charged to Deposit Account Number 50-0877 with reference to (RDID 0041 US).

Respectfully submitted,
The Law Office of Jill L. Woodburn, L.L.C.

April 12, 2005
(Date)

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